

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Department of Transportation for a Determination of the Adequacy of Warning Devices and the Alteration and Exemption of the Public Crossing of the Wisconsin Central Ltd. Tracks with Post Road (Business 51) in the Village of Plover, Portage County

9164-RX-789

NOTICE OF INVESTIGATION AND HEARING
AND ASSESSMENT OF COSTS

By letter dated September 27, 2012, the Wisconsin Department of Transportation (DOT) petitioned the Office of the Commissioner of Railroads (OCR) pursuant to Wis. Stat. §§ 195.28, 195.285 and 195.29 for a determination of the adequacy of warning devices and the alteration and the exemption of a public crossing of the Wisconsin Central Ltd. (WCL) tracks with Post Road (Business 51) in the Village of Plover, Portage County (Crossing no. 281 493N / MP 81.27).

The DOT and Village of Plover plan to reconstruct Post Road (Business 51) between CTH B and Minnesota Avenue during the 2016 construction season (DOT #: 6414-00-57). The project will widen Post Road (Business 51) from a 4-lane undivided roadway to a 4-lane divided roadway with two 12'-wide lanes and one 6'-wide bicycle lane in each direction. The DOT also proposes to upgrade the warning devices at the crossing.

DOT also petitioned to exempt the crossing from the stopping requirement of Wis. Stat. § 346.45, which requires certain specified vehicles, such as fuel trucks and school buses, to stop at highway/rail crossings unless posted with an exempt sign.

The issues for the hearing are:

1. Would alteration of the crossing promote public safety and convenience?
2. Would it promote the public interest to exempt the crossing of Post Road (Business 51) with the tracks of the Wisconsin Central Ltd. from the stopping requirement of Wis. Stat. § 346.45?
3. What warning devices would be necessary to adequately protect and promote public safety?
4. How shall the costs of the crossing construction be apportioned?

The DOT shall have the burden of proof on all issues.

If this proceeding is contested, it is deemed to be a Class I proceeding as defined in §227.01, Stats.

PLEASE NOTE: The Office will hold a public hearing at the **Portage County Highway Department, Conference Room, 800 Plover Road, Plover, Wisconsin, on February 27, 2013, at 12:30 p.m.**

PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Wisconsin Central Ltd. in accordance with Wis. Stat. § 195.60, Stats., and Wis. Admin. Code § RR 2.04.

Upon reasonable notice, the Office will accommodate the needs of disabled individuals. Contact the Office at (608) 266-9536, (608) 267-1479/TTY, or (Fax) (608) 261-8220, or by writing to the Office at 610 N. Whitney Way, Room 110, PO Box 7854, Madison, Wisconsin 53707-7854.

The OCR now publishes all notices, orders, proposed decisions and final decisions on the Internet. These documents may be accessed at either <http://ocr.wi.gov/apps40/dockets/default.aspx> or on the Public Service Commission's website at <http://psc.wi.gov/>

Please contact the OCR staff with any questions, at (608) 266-0276.

Dated at Madison, Wisconsin, January 23, 2013.

By the Office of the Commissioner of Railroads.

/s/ Douglas S. Wood
Douglas S. Wood, Hearing Examiner

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